

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas A. Kelley, in his capacity as the
Trustee of the BMO Litigation Trust,

Plaintiff,

Case No.: 0:19-cv-01756-WMW

Hon. Wilhelmina M. Wright

v.

BMO Harris Bank N.A., as successor to
M&I Marshall and Ilsley Bank,

Defendant.

**BMO HARRIS BANK N.A.’S RENEWED RULE 50(a) MOTION
FOR JUDGMENT AS A MATTER OF LAW**

In accord with the motion that its counsel made in Court at the close of its case-in-chief, Defendant BMO Harris Bank N.A. (“BMO Harris”), as successor to M&I Marshall and Ilsley Bank, hereby moves this Court to enter judgment for BMO Harris as a matter of law pursuant to Rule 50(a) of the Federal Rules of Civil Procedure based on all of the evidence introduced at trial. Plaintiff Douglas A. Kelley, in his capacity as the Trustee of the BMO Litigation Trust (“Plaintiff”), has been fully heard during the jury trial in the above-captioned matter with respect to his claims against BMO Harris. No reasonable jury could find BMO Harris liable for the claims Plaintiff has asserted as they lack a legally sufficient evidentiary basis. In addition, the evidence establishes several of BMO Harris’s defenses.

This motion is based on the memorandum of law filed in support herewith—which describes the grounds for entering judgment in favor of BMO Harris and incorporates grounds for such a judgment described in prior briefing—as well as all of the jury trial proceedings through the close of evidence and any additional briefing and oral argument on the motion.

Dated: October 29, 2022

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Respectfully submitted,

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